

# Daily Digest

## HIGHLIGHTS

Senate passed S.J. Res. 17, FCC Media Ownership.

Senate passed H.R. 2754, Energy and Water Development Appropriations.

## Senate

### Chamber Action

*Routine Proceedings, pages S11501–S11588*

**Measures Introduced:** Six bills and three resolutions were introduced, as follows: S. 1618–1623, S. Res. 226–227, and S. Con. Res. 69. **Page S11568**

#### Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004”. (S. Rept. No.108–148) **Page S11568**

#### Measures Passed:

**FCC Media Ownership:** By 55 yeas to 40 nays (Vote No. 348), Senate passed S.J. Res. 17, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership. **Pages S11501–19**

**Energy and Water Development Appropriations:** By a unanimous vote of 92 yeas (Vote No. 350), Senate passed H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S11521–51**

#### Adopted:

Reid (for Domenici/Reid) Amendment No. 1665, to rescind certain funds from the Working Capital Fund. **Pages S11521, S11531**

Reid (for Domenici/Reid) Amendment No. 1666, to provide additional funds for certain water and related resources. **Page S11531**

Reid (for Domenici/Reid) Amendment No. 1667, to provide additional funds for the Middle Rio Grande, New Mexico project, and for the Lake Tahoe Regional Wetlands Development project. **Page S11531**

Reid (Domenici/Reid) Amendment No. 1668, to provide funds for the Bureau of Reclamation Loan Program Account. **Page S11531**

Domenici (for Kyl) Amendment No. 1676, relative to the Lower Colorado River Basin Development Fund. **Page S11533**

Reid (for Daschle/Johnson) Amendment No. 1677, to set aside additional funds for the Mni Wiconi project, South Dakota. **Page S11533**

Domenici (for Shelby) Amendment No. 1678, to set aside funds for certain projects and activities at the Alabama-Coosa River, Alabama. **Page S11533**

Reid Amendment No. 1659, to prohibit the use of funds for certain activities relating to advanced nuclear weapons concepts, including the robust nuclear earth penetrator. **Pages S11534–38**

Reid (for Inouye) Modified Amendment No. 1646, to modify the provision relating to the Waikiki Beach project, Oahu, Hawaii. **Page S11538**

Reid (for Feinstein) Modified Amendment No. 1656, to authorize a wastewater infrastructure project for Coronado, California. **Page S11538**

Domenici Amendment No. 1681, relative to economic development. **Page S11538**

Reid Amendment No. 1682, to provide additional funds for certain water resources development projects. **Page S11538**

Domenici (for Smith) Amendment No. 1683, to direct the Secretary of the Interior to conduct a water supply feasibility study for Tualatin River Basin, Oregon. **Page S11538**

Domenici (for Kyl) Amendment No. 1687, to authorize the Secretary of the Interior to extend, on an annual basis, the repayment schedule of certain debt to facilitate Indian water rights settlements in the State of Arizona, with an offset. **Page S11539**

Reid Amendment No. 1688, to provide that \$500,000 may be used for completion of design and

initiation of construction of the McCarran Ranch, Nevada, environmental restoration project.

**Page S11539**

Domenici (for Dole) Amendment No. 1689, to set aside funding in connection with the harbor of Morehead City, North Carolina, for a project to disperse sand along Bogue Banks.

**Page S11539**

Domenici (for Bennett) Amendment No. 1690, to provide for a transfer of funds to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah.

**Page S11539**

Reid (for Wyden) Amendment No. 1691, to set aside funding for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon.

**Page S11539**

Reid (for Levin) Amendment No. 1692, to provide funds for use in carrying out Great Lakes remedial action plans and sediment remediation programs under the Water Resources Development Act of 1990.

**Page S11539**

Domenici (for Cochran) Amendment No. 1696, to increase the authorization of appropriations for the provision of environmental assistance for the State of Mississippi.

**Page S11540**

Reid (for Dorgan) Amendment No. 1697, to provide that the funds made available for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota shall be nonreimbursable.

**Page S11540**

Reid Amendment No. 1698, to provide additional funds for the Recreation Management Support Program.

**Page S11540**

Reid (for Conrad) Amendment No. 1699, to modify the project for flood control, Park River, Grafton, North Dakota.

**Page S11540**

Domenici (for Thomas) Amendment No. 1700, to direct the Western Area Power Administration to provide electrical power supply and delivery assistance to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit.

**Page S11540**

Reid Amendment No. 1701, to provide \$100,000 for initiation of feasibility studies to address erosion along the Bayou Teche, Louisiana within the Chitimacha Reservation.

**Page S11540**

Domenici (for Bennett) Amendment No. 1702, to provide a definition of rural Utah for the purposes of the environmental assistance program.

**Page S11540**

Reid Amendment No. 1703, to provide funds for water resource development projects.

**Page S11540**

Reid (for Wyden) Amendment No. 1704, to set aside funding for a defense and security research center.

**Page S11540**

Reid (for Feingold) Amendment No. 1705, to require the Secretary of the Interior and the Secretary

of Energy to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States.

**Page S11541**

Domenici/Reid Amendment No. 1706, to make a technical correction.

**Page S11541**

Domenici Amendment No. 1707, to make a technical correction.

**Page S11541**

Domenici Amendment No. 1708, to provide funding to preserve Department of Energy historical sites and other aspects of the history of its programs.

**Page S11541**

Byrd Amendment No. 1709, to set aside funding for the Administration's Clean Energy Technology Exports Initiative.

**Pages S11541, S11543**

Reid (for Bingaman) Amendment No. 1710, to limit the availability of funds for the Advanced Concepts Initiative of the National Nuclear Security Administration pending a report on activities under the initiative.

**Page S11541**

Domenici (for Voinovich) Amendment No. 1711, to set aside funding for the Great Lakes fishery and ecosystem restoration program.

**Page S11541**

Reid Amendment No. 1712, to provide funds to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture, and to provide funds for the purchase of bottled water for schoolchildren in Fallon-area schools.

**Page S11541**

Domenici (for Specter) Amendment No. 1713, to direct the Secretary of the Army to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

**Page S11541**

Reid/Domenici Amendment No. 1714, to direct the Secretary of the Interior to lease certain public lands in Wyoming.

**Pages S11541–42, S11543–44**

Domenici (for Warner) Amendment No. 1715, to appropriate funds to develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay.

**Page S11542**

Domenici/Reid Amendment No. 1716, to provide for additional funds for the maintenance of certain harbor channels.

**Page S11542**

Reid (for Reed) Amendment No. 1717, to make available funds for the Office of Electricity and Energy Assurance.

**Page S11542**

Reid (for Corzine/Lautenberg) Amendment No. 1718, to provide additional funding for the project for Passaic River Steambank Restoration, Minish Park, New Jersey, with an offset.

**Page S11542**

Domenici (for Grassley/Murkowski) Amendment No. 1719, to require the Secretary of Labor to provide technical and managerial assistance to the Secretary of Energy to carry out claims-related activities under the Energy Employees Occupational Illness Compensation Program Act 2000.

**Page S11542**

Reid (for Schumer) Amendment No. 1720, to prohibit the use of funds for the Great Lakes Sediment Transport Models. **Page S11542**

Reid (for Schumer) Amendment No. 1721, to reinstate and transfer a hydroelectric license to permit redevelopment of a hydroelectric project in the State of New York. **Page S11542**

Reid (for Wyden/Smith) Modified Amendment No. 1653, to set aside funding for dredging and other operation and maintenance of the Umpqua River, Oregon. **Page S11540**

Reid (for Sarbanes/Mikulski) Modified Amendment No. 1650, to direct the Secretary of the Army to implement the project for ecosystem restoration, Gwynns Falls, Maryland. **Pages S11539, S11543**

Reid (for Murray) Modified Amendment No. 1669, to authorize the Secretary of the Army to carry out a joint project with Asotin County, Washington to construct a Snake River Confluence Interpretative Center near Clarkston, Washington. **Page S11540**

Reid (for Bingaman) Modified Amendment No. 1658, to set aside funds for the Navajo electrification demonstration program. **Page S11540**

Reid (for Leahy) Modified Amendment No. 1675, to authorize the Secretary to remove oil bollards in Burlington Harbor, Vermont. **Page S11540**

Domenici (for Voinovich) Amendment No. 1679, to provide for a report on administrative expenditures of the Secretary of Energy for the Energy Employees Occupational Illness Compensation Act. **Page S11540**

Domenici (for DeWine) Amendment No. 1685, to direct the Secretary of the Army to complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio. **Page S11540**

Rejected:

Feinstein Amendment No. 1655, to prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction. (By 53 yeas to 41 nays (Vote No. 349), Senate tabled the amendment). **Pages S11531–33**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Domenici, Cochran, McConnell, Bennett, Burns, Craig, Bond, Stevens, Reid, Byrd, Hollings, Murray, Dorgan, Feinstein, and Inouye. **Page S11551**

A unanimous-consent agreement was reached providing that, notwithstanding passage of H.R. 2754

(listed above), Santorum (for Bingaman) Amendment No. 1722, to improve administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) be agreed to. **Pages S11550–51**

**Authorizing Senate Legal Representation:** Senate agreed to S. Res. 226, to authorize representation by the Senate Legal Counsel in the case of *Josue Orta Rivera v. Congress of the United States of America, et al.* **Page S11587**

**Expressing Sorrow On the Death of Frank O'Bannon:** Senate agreed to S. Res. 227, expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones. **Page S11587**

**Partial-Birth Abortion Ban—House Message:** Senate resumed consideration of a motion to go to conference on S. 3, to prohibit the procedure commonly known as partial-birth abortion: **Pages S11551–57**

A unanimous-consent agreement was reached providing for further consideration of the motion, at 8:30 a.m., on Wednesday, September 17, 2003; that the time until 10:30 a.m. be equally divided between Senators Santorum and Boxer, or their designees; and that there be four hours of debate remaining. **Page S11588**

**Interior Department Appropriations—Agreement:** A unanimous-consent agreement was reached providing that at 10:30 a.m., on Wednesday, September 17, 2003, Senate begin consideration of H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. **Page S11588**

**Petitions and Memorials:** **Pages S11565–68**

**Additional Cosponsors:** **Pages S11568–69**

**Statements on Introduced Bills/Resolutions:** **Pages S11569–79**

**Additional Statements:** **Pages S11563–64**

**Amendments Submitted:** **Pages S11579–86**

**Notices of Hearings/Meetings:** **Page S11586**

**Authority for Committees to Meet:** **Pages S11586–87**

**Privilege of the Floor:** **Page S11587**

**Record Votes:** Three record votes were taken today. (Total—350) **Pages S11519, S11533, S11550**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:16 p.m., until 8:30 a.m., on Wednesday, September 17, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11588.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing on the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, who was introduced by Senator Sununu, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement, and Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration, after the nominees testified and answered questions in their own behalf.

### FINANCIAL RECONSTRUCTION IN IRAQ

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on International Trade and Finance concluded a hearing on recent developments on the financial reconstruction in Iraq, after receiving testimony from Alan Larson, Under Secretary of State for Economic, Agricultural and Business Affairs; John B. Taylor, Under Secretary of Treasury for International Affairs; and Philip Merrill, President and Chairman, Export-Import Bank of the United States.

### CLEAN WATER ACT OVERSIGHT

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Wildlife, and Water held an oversight hearing to examine the implementation of the Clean Water Act, focusing on the Total Maximum Daily Load (TMDL) program, Spill Prevention Control and Countermeasure plans, storm water issues, and water quality trading, receiving testimony from G. Tracy Mehan III, Assistant Administrator for Water, Environmental Protection Agency; David Mabe, Idaho Department of Environmental Quality, Boise; Juli Beth Hoover, City of South Burlington, South Burlington, Vermont; Michael J. Samoviski, City Manager, Hamilton, Ohio; Steve Kouplen, Oklahoma Farm Bureau Federation, Oklahoma City, on behalf of the American Farm Bureau Federation; Lee Fuller, Independent Petroleum Association of America, on behalf of sundry organizations, and Jim Hall, Hall and Associates, former Chairman, National Transportation Safety Board, both of Washington, D.C.; Michael R. Lozeau, Earthjustice, Stanford, California; and Rena Steinzor, University of Maryland School of Law, Baltimore, on behalf of the Center for Progressive Regulation.

Hearing recessed subject to the call.

### FUTURE OF GAO

*Committee on Governmental Affairs:* Committee concluded a hearing on the future of the General Accounting Office, focusing on past accomplishments, future challenges, including why passage of S. 1522, the GAO Human Capital Reform Act is an integral part of helping GAO prepare for the future, after receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office; and Maurice P. McTigue, George Mason University, Mercatus Center, Arlington, Virginia.

### NOMINATION

*Committee on Governmental Affairs:* Committee concluded hearing on the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security, after the nominee, who was introduced by Senators Campbell and Allard, testified and answered questions in her own behalf.

### PRESIDENTIAL SUCCESSION

*Committee on the Judiciary/Committee on Rules and Administration:* Committees concluded a joint hearing to examine the continuity of the United States government in relation to the Presidency, focusing on the role of Congress in line of Presidential succession, including Presidential incapacitation, impeachment and removal, death or resignation, and the bumping or supplantation procedure, after receiving testimony from Akhil Reed Amar, Yale University Law School, New Haven, Connecticut; John C. Fortier, American Enterprise Institute, and M. Miller Baker, McDermott, Will and Emery, both of Washington, D.C.; and Howard M. Wasserman, Florida International University College of Law, Miami.

### H-1B VISAS

*Committee on the Judiciary:* Committee concluded a hearing to examine the importance of the H-1B visa to the American economy, focusing on protection of United States workers including training and recruiting, statistics on usage, the globalized economy, and Free Trade Agreements, after receiving testimony from Stephen Yale-Loehr, Cornell University Law School, Ithaca, New York, on behalf of the American Immigration Lawyers Association; Elizabeth C. Dickson, Ingersoll-Rand Company, Woodcliff Lake, New Jersey, on behalf of the U.S. Chamber of Commerce; John W. Steadman, Institute of Electrical and Electronics Engineers—United States of America, Washington, D.C.; and Patrick J. Duffy, Intel Corporation, Chandler, Arizona.